

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID MANNARINO, Jr.,	:
Plaintiff,	:
v.	: Case No. 3:11-cv-201-KRG-KAP
SHAUN EDMEDSTUDSON, DAVID	:
YURISH, LLOYD RODGERS, and	:
FRANCIS BAILEY,	:
Defendants	:

Memorandum Order

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b), and Local Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on January 15, 2014, docket no. 46, recommending that the complaint be dismissed for failure to prosecute because plaintiff, despite notice in the Rule 16 order, was several months delinquent in responding to defendants' motion for summary judgment at docket no. 41. After denying the plaintiff's motion for extension of time representing that plaintiff had never received any schedule for responding to the motion for summary judgment, the Magistrate Judge filed a second Report and Recommendation on February 11, 2014, docket no. 50, recommending that defendants' motion for summary judgment, docket no. 41, be granted on the merits.

The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. No one filed timely objections.

After de novo review of the record despite the lack of timely objections thereto, the following judgment order is entered:

DAVID MANNARINO, Jr., :  
Plaintiff, :  
v. : Case No. 3:11-cv-201-KRG-KAP  
SHAUN EDMEDSTUDSON, DAVID :  
YURISH, LLOYD RODGERS, and :  
FRANCIS BAILEY, :  
Defendants :

AND NOW, this 4th day of March, 2014, it is

BY THE COURT:

Kim R. Wilson

David Mannarino LH-2013  
S.C.I. Coal Township  
1 Kelley Drive  
Coal Township, PA 17866-1021